

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

INTERSTATE FIBERNET, INC.	PLAINTIFF
VERSUS	CIVIL ACTION NO. 4:02cv113LN
SIXTY-THREE (63) PARCELS OF REAL PROPERTY, et al.	DEFENDANTS

AGREED ORDER VACATING JUDGMENT AND AMENDING COMPLAINT

This cause having come on for consideration, following the order of September 19, 2006, by the United States Court of Appeals for the Fifth Circuit remanding this action to this Court, on the motion of Interstate FiberNet, Inc. ("IFN"), for relief from judgment and its earlier motion to permit voluntary dismissal of defendant Jane McKibbon and her property, and this Court being advised that those defendants who have appeared in this action have consented to the entry of this order, and being fully advised in the premises,

IT IS THEREFORE

ORDERED that this Court's final judgment entered March 6, 2003, and its order of August 3, 2004, declining to alter or amend that judgment should be and hereby are vacated. It is further

ORDERED that IFN's motion filed March 20, 2003, to permit voluntary dismissal of defendant Jane McKibbon and her property, identified as Parcel 43 on Exhibit A to IFN's complaint, should be and hereby is granted, all disputes between IFN and Jane McKibbon having been settled and resolved, and the complaint should be and hereby is deemed to have been amended to delete defendant Jane McKibbon and her Parcel 43 without the necessity of filing a separate amended complaint. It is further

ORDERED that this Court now finds and determines that it has subject matter jurisdiction over all claims concerning the remaining parties and 62 remaining parcels of property identified in IFN's complaint.

SO ORDERED this the 4th day of December, 2006.

/s/ Tom S. Lee
UNITED STATES DISTRICT JUDGE

APPROVED AND AGREED

/s/ Michael B. Wallace
MICHAEL B. WALLACE (MSB #6904)
ATTORNEY FOR INTERSTATE FIBERNET, INC.

/s/ C. Victor Welsh, III
C. VICTOR WELSH III (MSB #7101)
ATTORNEY FOR THE ANSWERING DEFENDANTS